

House Engrossed

State of Arizona
House of Representatives
Forty-sixth Legislature
Second Regular Session
2004

CHAPTER 49

HOUSE BILL 2046

AN ACT

AMENDING TITLE 36, CHAPTER 4.1, ARTICLE 2, ARIZONA REVISED STATUTES, BY
ADDING SECTION 36-466; RELATING TO THE CLINICAL LABORATORY ADVISORY
COMMITTEE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 36, chapter 4.1, article 2, Arizona Revised Statutes,
3 is amended by adding section 36-466, to read:

4 36-466. Advisory committee on clinical laboratories;
5 membership; duties; definition

6 A. THE ADVISORY COMMITTEE ON CLINICAL LABORATORIES IS ESTABLISHED
7 CONSISTING OF THE FOLLOWING MEMBERS:

8 1. FOUR PHYSICIANS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 13
9 OR 17 AND WHO ARE ACTIVELY ENGAGED IN THE PRACTICE OF MEDICINE. THE DIRECTOR
10 SHALL APPOINT THESE MEMBERS.

11 2. TWO PHYSICIANS WHO ARE LICENSED PURSUANT TO TITLE 32, CHAPTER 13
12 OR 17 AND WHO ARE EMPLOYED BY A CLINICAL LABORATORY AS PATHOLOGISTS. THE
13 DIRECTOR SHALL APPOINT THESE MEMBERS.

14 3. THE DIRECTOR OR THE DIRECTOR'S DESIGNEE.

15 B. THE COMMITTEE SHALL:

16 1. ANNUALLY SELECT A CHAIRPERSON AND VICE-CHAIRPERSON FROM AMONG ITS
17 MEMBERS.

18 2. ADVISE THE DEPARTMENT IN DEVELOPING A LIST OF DIRECT ACCESS TESTS.
19 THE DEPARTMENT SHALL MAKE THE LIST OF DIRECT ACCESS TESTS AVAILABLE TO THE
20 PUBLIC.

21 3. ADVISE THE DEPARTMENT ON THE USE AND RENEWAL OF STANDING ORDERS.

22 4. CONDUCT REGULAR MEETINGS AT THE CALL OF THE CHAIRPERSON OR A
23 MAJORITY OF THE COMMITTEE MEMBERS.

24 C. THE DEPARTMENT'S DESIGNATION OF A TEST AS A DIRECT ACCESS TEST DOES
25 NOT REQUIRE THAT THE TEST BE COVERED BY A HEALTH INSURANCE PLAN OR PRODUCT
26 PURSUANT TO TITLE 20 OR BY ANY PROGRAM ADMINISTERED BY THE ARIZONA HEALTH
27 CARE COST CONTAINMENT SYSTEM ADMINISTRATION PURSUANT TO CHAPTER 29 OF THIS
28 TITLE.

29 D. THE DEPARTMENT SHALL ADOPT RULES BASED ON THE RECOMMENDATIONS OF
30 THE ADVISORY COMMITTEE.

31 E. COMMITTEE MEMBERS ARE NOT ELIGIBLE TO RECEIVE COMPENSATION OR
32 REIMBURSEMENT OF EXPENSES.

33 F. THE DEPARTMENT SHALL PROVIDE NECESSARY STAFF SERVICES TO THE
34 COMMITTEE.

35 G. THE APPOINTED COMMITTEE MEMBERS SERVE THREE YEAR TERMS.

36 H. FOR THE PURPOSES OF THIS SECTION, "DIRECT ACCESS TESTS" MEANS TESTS
37 THAT MAY BE OBTAINED WITHOUT A PHYSICIAN REFERRAL INCLUDING TESTS THAT HAVE
38 BEEN GRANTED WAIVED STATUS UNDER THE FEDERAL CLINICAL LABORATORY IMPROVEMENT
39 AMENDMENTS OF 1988 (P.L. 100-518). DIRECT ACCESS TESTS DO NOT INCLUDE TESTS
40 THAT ARE REQUIRED TO BE REPORTED TO THIS STATE FOR PUBLIC HEALTH AND SAFETY
41 REASONS.

1 Sec. 2. Initial terms of members of the advisory committee on
2 clinical laboratories

3 A. Notwithstanding section 36-466, Arizona Revised Statutes, as added
4 by this act, the initial terms of the appointed members of the advisory
5 committee on clinical laboratories are:

- 6 1. Two terms ending January 31, 2005.
7 2. Two terms ending January 31, 2006.
8 3. Two terms ending January 31, 2007.

9 B. The director of the department of health services shall make all
10 subsequent appointments as prescribed by statute.

11 Sec. 3. Exemption from rule making

12 A. To implement the requirements of section 36-466, Arizona Revised
13 Statutes, as added by this act, the department of health services is exempt
14 from the rule making requirements of title 41, chapter 6, Arizona Revised
15 Statutes, for one year after the effective date of this act.

16 B. The department shall hold at least one hearing to provide the
17 public with an opportunity to comment on the proposed rules.

18 C. The department shall submit the notice of hearing and proposed
19 rules to the secretary of state for publication pursuant to title 41, chapter
20 6, article 2, Arizona Revised Statutes.

APPROVED BY THE GOVERNOR APRIL 7, 2004.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 7, 2004.

Passed the House February 9, 2004,

Passed the Senate March 31, 2004

by the following vote: 58 Ayes,

by the following vote: 26 Ayes,

0 Nays, 2 Not Voting

3 Nays, 1 Not Voting

Jake Flake
Speaker of the House
Norman L. Moore
Chief Clerk of the House

Ken Blumenthal
President of the Senate
Charmine Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1st day of April, 2004

at 1:40 o'clock P. M.

Wonnidee Ybarra
Secretary to the Governor

Approved this 7 day of

April, 2004,

at 10:25 o'clock A. M.

J. R. Brewer
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 7 day of April, 2004

at 12:18 o'clock P. M.

Prince K. Brewer
Secretary of State

H.B. 2046